

No.

CR 05 00091

JF

E-filing
RS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED
FEB 16 2005
CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

THE UNITED STATES OF AMERICA

vs.

ROMAN MEYDBRAY

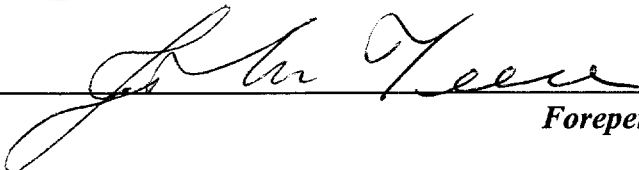
INDICTMENT

Counts One through Two: 18 U.S.C. Section 2701(a)(1), 2701(b)(1) - Unlawful Access to Stored Communications;


Count Three: 18 U.S.C. Section 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), and 1030(c)(4)(A) - Intentionally Causing Damage to a Computer;

Count Four: 18 U.S.C. Section 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i), and 1030(c)(4)(B) - Unauthorized Access to a Computer Recklessly Causing Damage.

A true bill.


Foreperson

Filed in open court this 16 day of February
A.D. 2005 SPV


United States Magistrate Judge

Bail. \$ Summons

DOCUMENT NO.	CSA's INITIALS
1	9
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

FILED
FEB 16 2005
RICHARD W. KIRKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

E-filing

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROMAN MEYDBRAY,

15 Defendant.

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VIOLATIONS: 18 U.S.C. §§ 2701(a)(1),
2701(b)(1) – Unlawful Access to Stored
Communications; 18 U.S.C. §§
1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(b)
& 1030(c)(4)(A) – Intentionally Causing
Damage to a Computer; 18 U.S.C. §§
1030(a)(5)(A)(ii), 1030(a)(5)(B)(i), 1030(b)
& 1030(c)(4)(B) – Unauthorized Access To
a Computer Recklessly Causing Damage

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17 SAN JOSE VENUE

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19 INDICTMENT

20 The Grand Jury charges:

21 1. Creative Explosions, Inc. ("Creative Explosions") was a software development
22 company based in Scotts Valley, California, which produced and sold software programs over the
23 Internet to subscribers from around the country.

24 2. Defendant ROMAN MEYDBRAY was employed by Creative Explosions from in
25 or about November 2001 to on or about November 7, 2003, originally as Information Technology
26 Manager and then as Network Manager. In these positions, defendant MEYDBRAY had
27 administrative level access to, and familiarity with, Creative Explosions' computer network.

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1 COUNTS ONE THROUGH TWO: (18 U.S.C. §§ 2701(a)(1), 2701(b)(1) - Unlawful Access to
2 Stored Communications)

3 3. Paragraphs One and Two are hereby realleged and incorporated by reference as if
4 set forth in full herein.

5 4. On or about the dates and times set forth below, in the Northern District of
6 California, and elsewhere, the defendant,

7 ROMAN MEYDBRAY,

8 intentionally accessed without authorization, and exceeded authorization to access, a facility
9 through which an electronic communication service is provided, namely Creative Explosion's
10 electronic mail and computer network, for the purposes of malicious destruction and damage and
11 in furtherance of any criminal and tortious act in violation of the Constitution and laws of the
12 United States and any State, and thereby, obtained, altered, and prevented authorized access to a
13 wire and electronic communication while it was in electronic storage in such system, as follows:

14

Count	Date	Activity
15 1	11/13/03	Changed passwords on e-mail accounts
16 2	11/17/03	Accessed and read the e-mail of the Creative Explosions President

17 All in violation of Title 18, United States Code, Sections 2701(a)(1), 2701(b)(1).

18 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(b) & 1030(c)(4)(A)
19 - Intentionally Causing Damage to a Computer)

20 5. Paragraphs One and Two are hereby realleged and incorporated by reference as if
21 set forth in full herein.

22 6. On or about November 17, 2003, in the Northern District of California, and
23 elsewhere, the defendant,

24 ROMAN MEYDBRAY,

25 did knowingly cause the transmission of a program, information, code, and command to the
26 computer network of Creative Explosions, and attempt to do so, and as a result of such conduct,
27 intentionally caused damage without authorization to a protected computer, and that damage
28 caused loss aggregating more than \$5,000 in value during a one-year period.

1 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i),
2 1030(b) and 1030(c)(4)(A).

3 COUNT FOUR: (18 U.S.C. §§ 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i), 1030(b) &
4 1030(c)(4)(B) - Unauthorized Access To a Computer
Recklessly Causing Damage)

5 7. Paragraphs One and Two are hereby realleged and incorporated by reference as if
6 set forth in full herein.

7 8. On or about November 17, 2003, in the Northern District of California, and
8 elsewhere, the defendant,

9 ROMAN MEYDBRAY,

10 did intentionally access a protected computer without authorization, and attempt to do so, and as
11 a result of such conduct recklessly caused damage, in that the defendant intentionally accessed
12 the Creative Explosions computer network, and as a result of such conduct, recklessly caused
13 damage to that computer network, which damage caused loss aggregating at least \$5,000 in value
14 during a one-year period.

15 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i),
16 1030(b) and 1030(c)(4)(B).

17 DATED: February 16, 2005.

A TRUE BILL.

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19 
20 FOREPERSON

21 KEVIN V. RYAN
22 United States Attorney

23 
24 MATTHEW A. PARRELLA
Chief, San Jose Branch

25 (Approved as to form: 
26 AUSA MARK L. KROTOSKI
27
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